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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARC OPPERMAN, et al.,
Plaintiffs,
v.
PATH, INC., et al.,
Defendants.

Case No. 13-cv-00453-JST

**ORDER VACATING PRIOR CASE
SCHEDULING ORDER AND CASE
MANAGEMENT CONFERENCE**

Re: ECF No. 687

At the April 12, 2016 case management conference, the Court ordered the parties to file with the Court a list of the discovery needed by Plaintiffs to defend Apple’s anticipated early summary judgment motion and the dates by which Apple would provide that material. The Court also set a further case management conference for April 20, 2016 at 3:00 p.m. See ECF No. 687. The point of this procedure was to minimize the risk that the Court would need to entertain a motion for continuance or denial of the motion pursuant to Rule 56(d) of the Rules of Civil Procedure if the Court allowed Apple to file an early summary judgment motion with regard to Plaintiffs’ Path-related allegations.

Upon further consideration, the Court concludes that its order was premature. The additional discovery, if any, that Plaintiffs need will be more clearly known after Apple files its motion; the dates by which that discovery can be provided will be more clearly known after Plaintiffs have asked for it. If Plaintiffs’ need for discovery supports a motion for continuance under Rule 56(d), Plaintiffs will file such a motion. It is not necessary, or even desirable, to attempt to resolve these issues now, in a vacuum.

Accordingly, the Court now VACATES its prior order requiring the parties to provide a list of discovery and anticipated response dates and VACATES the April 20, 2016 case management conference. The Court GRANTS Apple’s request to file an early summary judgment

United States District Court
Northern District of California

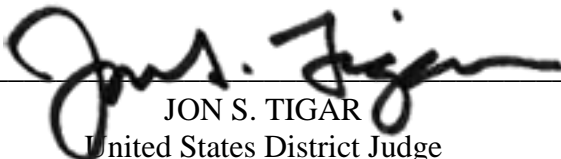
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motion as to Plaintiffs' Path-related claims and SETS the following schedule:

Apple's Summary Judgment Brief:	April 22, 2016
Plaintiffs' Opposition:	July 8, 2016
Apple's Reply:	August 5, 2016
Hearing:	August 25, 2016 at 2:00 p.m.

IT IS SO ORDERED.

Dated: April 13, 2016



JON S. TIGAR
United States District Judge

United States District Court
Northern District of California